REMARKS

Claims 1-22 are pending. Reconsideration in view of the following remarks is respectfully requested.

I. All Pending Claims are Patentable

Claims 1-22 stand rejected under 35 U.S.C. §103(a) over Lin (U.S. Patent Publication No. 2002/0076103) in view of Applicants' "admitted prior art background section". The rejection is respectfully traversed.

In responding to Applicants' arguments filed on November 12, 2008, the Office Action alleges that Applicants' Background section discloses determining the background intensity level based on substantially all of the pixels of the image and that Lin discloses a pixel classification based on substantially all the pixels of the image. Applicants respectfully disagree.

Applicants' Description of Related Art section discloses that "background detection is performed by sampling pixel values either within a sub-region of the document (typically, leading end) or across the whole documents" (emphasis added). The use of "sampling" in Applicants' specification is commonly understood to refer to "a small portion, pieces, or segment."[1] This conventional method of determining intensity level of an image based on sampling pixel values is not..."a pixel classification...based on substantially all the pixels of the image..." as recited in independent claims 1 and 8. Applicants' specification is consistent with this ordinary meaning of "sampling" in that Applicants' specification explicitly indicates that determining "based on substantially all the pixels..." is different from "sampling". See, for example, paragraphs [0012], [0014] and [0058] of the specification. Thus, "Applicants' admitted prior art" does not disclose that it was known to determine background intensity

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[1] American Heritage College Dictionary, fourth edition, pages 1228

level based on "substantially all of the pixels" as recited in independent claims 1 and 8, and furthermore would not have motivated one having ordinary skill in the art at the time of the invention to modify Lin to obtain the combination of features recited in claims 1 and 8.

Additionally, Office Action does not respond to Applicants' argument that Lin teaches away from the claims 1 and 8 feature of "determining if reclassification is required..." since at the time Lin makes a first pass of the image Lin does not record the macro-detection or micro-detection results from the pixel of the image. See Lin paragraph [0060]. Specifically, because Lin does not record the macro-detection or micro-detection results of the pixel, it is impossible for each pixel to be reclassified, as recited in independent claims 1 and 8.

Regarding independent claim 15, Lin and "admitted prior art" fail to disclose or render obvious "determining a background intensity level of an image, the background level being based on substantially all of the pixels of the image", and "checking the classification of at least a portion of pixels of the image based on the determined background intensity level of the image..." Lin classifies the intensity of each pixel based on the intensity of its surrounding pixels, not based on a background intensity level that is based on substantially all of the pixels of the image. See Lin paragraph [0053]. Thus, one having ordinary skill in the art would not have modified Lin in view of Applicants' "admitted prior art" to obtain the combination of features recited in claim 15.
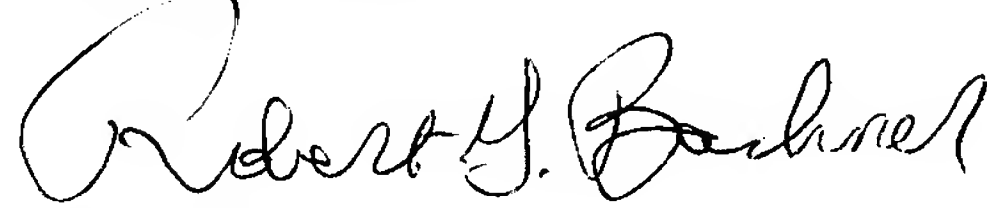
Thus, claims 1, 8 and 15 are patentable. Accordingly, claims 2-7, 9-14 and 16-22 are also patentable for at least the reasons explained above with respect to claims 1, 8 and 15. Withdrawal of the rejection is requested.

II.   Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claim are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Robert G. Bachner
Registration No. 60,122

JAO:RGB/jls

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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